

# **EXHIBIT 7**

**Rick Gaskins, MBA, CPA**  
**Gaskins Associates, PC**

**Forensic Economics**

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15 July 2013

Brian A. Hill, Esq.  
Miller & Chevalier, Chartered  
Suite 900  
655 Fifteenth Street, NW  
Washington, DC 20005-5701

Re: Death of Mr. Benjamin Blutstein

Dear Mr. Hill:

You have asked me for my opinion of the information that would assist a jury in fairly assessing economic and non-economic damages in the above referenced legal action. This report presents a brief background of the case together with the information I believe would assist the jury in considering the claim for economic and non-economic damages. In this report I also provide the disclosures required in Federal Rule 26 pertaining to expert testimony.

#### Background and Understanding

I understand that on 31 July 2002 Mr. Benjamin Blutstein died in what is alleged to have been an intentional attack. The defendants deny responsibility for the incident. Mr. Blutstein was 25 years of age at his death, single with no dependents, and he planned to work as a teacher. Plaintiffs have produced forensic expert economic reports addressing economic damages. You have asked me to address the reasonable economic and non-economic damages should an award be made in favor of plaintiffs.

#### Scope of Report

This report presents my opinion, with supporting evidence, of information that would assist a jury in considering an award of economic and non-economic damages in the

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case of Mr. Blutstein. The approach applied is analysis of total awards for economic and non-economic damages in cases reasonably like the death of the plaintiff.

### Beyond Scope of Report

I express no opinions regarding liability in the subject action.

### Qualifications

I have thirty-four years of experience as an expert witness and consultant in forensic economics and accounting, addressing damages for personal injury, wrongful death, employment torts, commercial damages, and business and financial asset valuation. During that time, forensic economics has been virtually my entire practice, and the assessment of personal damages for injury, death, employment and other torts has been the large majority and focus of my forensic practice. I have addressed personal damages for U.S. citizens and for foreign nationals under the damages laws of numerous jurisdictions and in complex cases where the law of damages was fashioned for the case. For example, I was forensic economic expert for plaintiffs in the following noteworthy cases:

- The Vietnamese Babylift Aircrash Disaster occurring 4 April 1975 for approximately 140 surviving injured children and for approximately 140 children killed in the crash.<sup>1</sup>
- For the flight crew of Pan Am Flight 103, the Lockerbie Bombing, occurring 21 December 1988.<sup>2</sup>
- For victims of the terrorist-related aircraft crashes of September 11, 2001 under the September 11th Victim Compensation Fund (VCF) established by the U.S. Congress following the disaster.<sup>3</sup>

I have been an officer or director of the major professional organizations for forensic economics: the National Association of Forensic Economics (NAFE), of which I was elected Vice-President; the American Academy of Economic and Financial Experts (AAEFE), for which I served two non-consecutive terms on the board of directors; and the Collegium of Pecuniary Damages Experts (CPDE), of which I am currently past-

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<sup>1</sup> [http://en.wikipedia.org/wiki/Tan\\_Son\\_Nhut\\_C-5\\_accident](http://en.wikipedia.org/wiki/Tan_Son_Nhut_C-5_accident).

<sup>2</sup> [https://en.wikipedia.org/wiki/Pan\\_Am\\_Flight\\_103](https://en.wikipedia.org/wiki/Pan_Am_Flight_103).

<sup>3</sup> <http://www.vcf.gov/faq.html>.

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President. I have authored publications on forensic economics in peer-reviewed academic journals. I am frequently invited to speak at professional meetings for forensic economists. My curriculum vitae is attached.

### Basis

I was provided and reviewed plaintiffs' forensic economic expert reports on economic damages as well as deposition testimony related to Mr. Blutstein and his death. I also obtained documents and information about court verdicts for wrongful death and about compensation to victims of the September 11, 2001 terror attacks in the United States. The documents and information I reviewed in working on this assignment are listed in report Appendix A, Documents Reviewed. In reaching my opinion I also relied on my judgment, experience and expertise developed through over thirty years as a forensic economist assessing personal damages.

### Supporting Information and Analyses

I have selected two major sources of relevant information about the amount of compensation for wrongful death and I present them as objective information that is consistent with my opinion formed by experience and expertise. These sources are:

- The statistically expected damages that a New York jury would award for economic and non-economic damages in cases involving the death of male of Mr. Blutstein's age, marital status and earnings, based on analysis of actual jury verdicts compiled by the Jury Verdict Research company.
- The amounts awarded for economic and non-economic damages for deaths resulting from the terror attacks in the United States of September 11, 2001, through the Victim Compensation Fund (VCF).

I have prepared analyses for each of these information topics together with a summary. The attached schedules are:

### Schedule 1, Summary, Analysis of compensation for wrongful death

The summary shows the results of damages indicated by the sources detailed in Schedules 2 and 3. The indicators for total economic and non-economic damages range from a low of approximately \$1,520,155 to a high of approximately \$2,846,000, averaging approximately \$1,916,468.

Schedule 2, Analysis of court verdict data for comparable death claims

The Jury Verdict Research (JVR) company, a subsidiary of the legal information and publishing company Thompson Reuters, is a data acquisition and publishing company that has collected case information, jury verdicts and settlement information for nearly 400,000 personal damages cases in the United States. In conjunction with the case data, JVR provides an analytical service that permits one to specify case parameters and obtain a detailed report of probable award amounts. Schedule 2 shows the case parameters for the analysis specified to provide an estimate of the probable award related to the subject of this report at the time of their death.<sup>4</sup> The analysis results in a verdict award estimate of approximately \$2,846,000, total, for both economic and non-economic damages.

Schedule 3, Analysis of 9/11 Victim Compensation Fund awards for death

The United States government established a victim compensation fund in 2001 to compensate victims of the terror attacks in the United States of September 11<sup>th</sup>, 2001. The Victim Compensation Fund (VCF) compensated victims of the September 11<sup>th</sup> attack for both economic and non-economic damages. The Special Master overseeing the fund took care to create guidelines for compensation that would be both fair and transparent. For death, the method for determining the presumed award for economic damages was documented in "Explanation of Process for Computing Presumed Economic Loss" (Revised August 27, 2002), which the Special Master made publicly available on the internet, and which had the filename "vc\_matrices.pdf". The VCF award guidelines presumed that non-economic damages for death would be fairly compensated at \$250,000 for the decedent and if there were a surviving spouse or dependents of the decedent non-economic damages of \$100,000 to each such person.

Schedule 3 presents data from the final report of the Special Master of that compensation fund for categories of claimants that appear comparable to the circumstances of the subject of this report at death. For reference purposes it also presents data for awards to uniformed workers (Police, Fire, Emergency

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<sup>4</sup> The selected liability type is the available option closest to an intentional maiming/death in my opinion. There should be no, or little, impact on economic damages, as the analysis of economic damages by forensic economists is unaffected by cause of death.

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Medical Services and Port Authority) and for all death claims. It is important to note that the reported awards include compensation for both economic and non-economic damages, and that the awards have been reduced for any applicable collateral source receipts. As to fairness of the VCF plan of compensation, the Special Master stated that "The presumed methodology was designed to provide generous awards to the families ...."<sup>5</sup>

### Findings and Opinion

In my opinion the information and analysis in this report and its Schedules 1 through 3 provides substantial evidence for a trier of fact to consider in reaching a just and fair award verdict in the matters of the death of Mr. Blutstein should the trier of fact find liability.

### Certification

1. The statements of fact, reported analyses, opinions and conclusions expressed in this study are to the best of my knowledge and belief true and correct.
2. This valuation was performed on a basis of non-advocacy, and I have no present or contemplated interest in the litigation, nor any interest or bias, which would impair a fair and unbiased appraisal. My compensation for this appraisal is independent of the value reported and is not contingent on any action or event resulting from the appraisal.
3. This appraisal has been conducted and this report issued in conformity with the Statement of Ethical Principles and Principles of Professional Practice of the National Association of Forensic Economics and the Statement of Ethical Principles of the American Academy of Economic and Financial Experts.
4. No one provided significant professional assistance to me in the conduct of this appraisal.

Appendix A lists the documents I was provided or obtained, reviewed or considered that were relevant to my opinions in this report.

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<sup>5</sup> "Final Report of the Special Master for the September 11th Victim Compensation Fund of 2001", page 7.

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My qualifications and list of publications authored in the previous ten years are contained in my resume, which is attached to this report as Appendix B.

A list of all other cases in which I have testified as an expert at trial or by deposition during at least the previous four years is attached as Appendix C.

My compensation for review, analysis and preparation of this report is at my standard hourly rate of \$380. Subsequent expert services related to his case, including deposition and trial testimony, will be at my standard hourly rate of \$380 per hour. No invoice for services performed has been rendered as of this date.

For trial testimony I expect to use the three schedules of this report as exhibits supporting my testimony.

Should resolution of this matter require my testimony in deposition or trial, I would appreciate the opportunity to incorporate any additional data then known.

I hope this information contributes to a fair resolution of this matter. If you require further assistance, I would be pleased to respond.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Rick R. Gaskins', followed by a horizontal line and a period.

Rick R. Gaskins, MBA, CPA

Attachments: Schedules 1, 2 and 3

Appendix A, Documents Reviewed

Appendix B, Resume of Rick R. Gaskins, MBA, CPA

Appendix C, Testimony List, Rick R. Gaskins, MBA, CPA

## Schedule 1

## Summary

Analysis of compensation for wrongful death

Fact pattern applied for Mr. Benjamin Blutstein

Total awards for economic (EC) and non-economic (NEC) damages (per decedent)

	Reference schedules	Total award for EC + NEC
Analysis of jury verdict data for fact pattern		
Probable plaintiff verdict	2	\$ 2,846,000
Analysis of 9/11 Victim Compensation Fund awards for death		
Decedent income \$25,000 to \$99,999	3	\$ 1,520,155
Male age age 25 and under	3	\$ 1,743,255
Occupation Other	3	\$ 1,556,461
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	Indicators low	\$ 1,520,155
	Indicators average	\$ 1,916,468
	Indicators high	\$ 2,846,000



## Schedule 2

Case Evaluation Report

## CASE EVALUATION REPORT

*This section includes the results of the Transon Roberts, Esq., Witness Services Case Evaluation Service. The results of the report expire three months after purchase.*

**Case Information**

**Case Name:** Benjamin Blutstein  
**Report Date:** April 24, 2013

**Case Summary**

Benjamin Blutstein was killed when a bomb exploded in a cafeteria at Hebrew University in Jerusalem in 2002

**Geographic Information**

**State:** New York  
**County:** New York

**Plaintiff Information**

**Age:** 25  
**Sex:** Male  
**Marital Status:** Single  
**Occupation:** Teacher

**Defendant Information**

**Defendant Type:** Multiple Defendants

**Liability Information**

**Liability Type:** NonVehicular  
**General Liability:** Personal Negligence  
**Specific Liability:** Personal Liability, Other Intentional Acts  
**Admitted Liability:** No

**Death Information**

**Base Injury Value:** \$2,611,404  
**TOTAL BASE INJURY VALUE:** \$2,611,404

Geographic Region: New York, New York	[8%]	\$208,912
Multiple Defendants	[5%]	\$130,570
Plaintiff Occupation: Teacher	[-4%]	\$-104,456
<b>Total Case Specific Adjustments to Injury Value:</b>		<b>\$235,026</b>

**PROBABLE VERDICT AMOUNT:** **\$2,846,430**

## Schedule 3

Analysis of 9/11 Victim Compensation Fund awards for death

Total awards for economic (EC) and non-economic (NEC) damages

For reported award categories representative of Mr. Benjamin Blutstein's status

VCF categories closest to subject	Source	Number of claims	Total amount awarded	Average total award for EC + NEC
Claims for death Decedent income \$25,000 to \$99,999	1	1,591	\$2,418,567,254	\$ 1,520,155
Claims for death Male age age 25 and under	2	96	\$167,352,504	\$ 1,743,255
Claims for death Occupation Other	3	153	\$238,138,485	\$ 1,556,461
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Avg award for VCF categories closest to subject		1,840	\$2,824,058,243	<u>\$ 1,534,814</u>

## Reference data for VCF death awards for other categories of decedent

Claims for death, uniformed workers Fire, Police, EMS, Port Authority	4	406	\$657,717,962	\$ 1,619,995
Claims for death, all	5	2,880	\$5,996,261,003	\$ 2,082,035

## Sources:

- 1 "Final Report of the Special Master for the September 11th Victim Compensation Fund of 2001", Table 2.
- 2 Ibid. Table 3.
- 3 Ibid. Table 8
- 4 Ibid. Table 9.
- 5 Ibid. Table 8.

## **Appendix A**

### Documents Reviewed

Economic Analysis Report of Michael Soudry M.B.A., 18 March 2013, economic loss to estate of Benjamin Blutstein.

Economic Analysis Report of Michael Soudry M.B.A., 2 May 2013, economic loss to estate of Benjamin Blutstein.

Explanation of Process for Computing Presumed Economic Loss, vs\_matrices.pdf, Revised 27 August 2002.

Final Report of the Special Master for the September 11th Victim Compensation Fund of 2001, Volume 1.

JVR Case Evaluation Service report, Thompson Reuters, 24 April 2013.

Transcript of the deposition of Katherine Baker, 12 July, 2012.

Transcript of the deposition of Rebekah Blutstein, 13 July, 2012.

Transcript of the deposition of Richard Blutstein, MD, 12 July, 2012.

U.S. Life Tables, 2008, National Center for Health Statistics, at [http://www.cdc.gov/nchs/data/nvsr/nvsr61/nvsr61\\_03.pdf](http://www.cdc.gov/nchs/data/nvsr/nvsr61/nvsr61_03.pdf).

## **Appendix B**

**Rick Gaskins, MBA, CPA**  
**Gaskins Associates, PC**

**Forensic Economics**

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Monkton, MD 21111  
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<http://www.RickGaskins.com>

1 May 2013

Resume of Rick R. Gaskins, MBA, CPA

Experience:

Rick Gaskins has 36 years of experience in the public accounting profession and 34 years of experience as an expert witness and consultant in the fields of forensic economics and accounting. He has extensive experience in performing and directing consulting engagements involving:

- Damages for personal injury, death and employment torts
- Business, pension and financial assets valuation
- Damages in commercial disputes
- Complex litigation and proof of damages
- Punitive damages
- Civil and criminal matters
- Alternate dispute resolution

Prior to forming Gaskins Associates he was senior Management Advisory Services Partner with a regional certified public accounting (CPA) firm. Earlier he was a senior consultant with the health care consulting division of a national CPA firm. His experience also includes management positions in banking and higher education.

He is a past adjunct instructor at the Georgetown University School of Business Administration where he taught financial and managerial accounting theory. He also serves as an instructor for continuing professional education seminars on forensic economics, forensic accounting and business damages/valuation.

He augments his consulting capabilities with computer programming skills in high-level languages, database management systems, computer modeling and statistical analysis tools. He has training and experience in collaborative law and a genuine interest in contributing to the advancement of alternative dispute resolution.

Representative  
Engagements:

Forensic accounting, economic analysis and expert testimony

Economic loss in personal injury and wrongful death cases, before federal and state courts.

Economic damages in employment law matters.

Economic damages under the Antiterrorism Act of 1991.

Identification, valuation and analysis for distributions of marital property.

Business valuation and lost profits analysis for commercial torts and business interruption, before state courts.

Mediation of business value in alternate dispute resolution.

Damages from violations of lending laws and for damage to credit standing.

Funds flow analysis in criminal fraud and RICO case, before federal court.

Business valuation and pension valuation in marital dissolutions.

Economic analysis of a real estate investment trust's (REIT's) management of a major real estate development project, before bankruptcy court.

Assessment of damages for contract cancellation and misappropriation of intellectual property (software), before federal court.

Analysis of punitive damages claims.

Cost of proposed (injunctive relief) worldwide medical treatment program, financial management, and accounting to the court, in federal court.

Assessment of damages resulting from cancellation of wholesale distribution agreement, before federal court.

Forensic accounting regarding fraud, embezzlement and Securities Acts violations by bank management, before federal court.

Economic loss of foreign nationals for injury and death, before federal courts.

Representative  
Engagements  
(continued)

Cost studies and economic analyses not in litigation:

Fraud and abuse detection system for a federal health insurance program.

Market assessment and forecast for worldwide demand of a pharmaceutical product for private placement of securities.

Differential costs of two policy options for a federal program.

Stock valuation for wholly-owned subsidiary of national professional association.

Medicare data collection cost.

Economics of burn injury treatment in 500 hospitals.

Business valuation and negotiation for purchase of a technical consulting firm.

Computer system consulting and software development:

Comprehensive automation for 245-bed acute care general hospital: system specification and selection.

Distribution system for 500,000-member not-for-profit association: remedy flawed system selection and stalled software development.

Point-of-sale system for 15-store retail chain: specification and selection.

Real-time order entry and dispatch system for delivery of highly perishable product: custom software design and development.

Design and development of programs for preparation and transmission of Federal Reserve (NACHA) formatted direct deposit payroll and direct debit transactions to banks via data communications.

License:

Certified Public Accountant, Maryland, Certificate 5039, issued January 31, 1977.



Resume of Rick R. Gaskins, MBA, CPA

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Education:

Continuing professional education seminars and teaching

Professional seminars and meetings on forensic economics, valuation and forensic accounting annually

Multi-disciplinary collaborative law

Wharton School, University of Pennsylvania, 1975, Master of Business Administration (emphasis in accounting, economics, finance, statistics and quantitative methods)

University of Rhode Island, studies in mathematics and accounting

Brown University, 1971, BA in English literature, minor in sciences

Professional  
Affiliations:

American Academy of Economic and Financial Experts

Board of Directors 2001 - 2004

Board of Directors 2006 - 2009

American Institute of Certified Public Accountants

Collegium of Pecuniary Damages Experts

Past-president Pro-tem 2008 - 2009

Vice-president 2011 - 2012

President 2012 - 2013

Past-president 2013 -

*Journal of Legal Economics*

Board of Editors, 2006 – 2007

National Association of Forensic Economics

Vice-president, Eastern Region 2002 - 2005

*The Earnings Analyst*

Board of Editors, 2012 -

Publications:

*The Costs of Acute Care Utilization Review Activities Conducted by Medicare Fiscal Intermediaries, Medicaid State Agencies, and State Licensing and Certification Agencies (Report OPEL 77-12), Gaskins, Rick R., et al., U.S. National Technical Information Service, Washington, DC.*

Resume of Rick R. Gaskins, MBA, CPA

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Publications:  
(continued)

"Worklife Estimates by Occupation: A Comment", Gaskins, Rick R. and Paul C. Taylor, *Journal of Forensic Economics*, Vol. 11, No. 2, Spring/Summer 1998, pp. 139-141.

"The Effect of the Loss of a Parent on the Future Earnings of a Minor Child", Kane, John, Lawrence M. Spizman, James D. Rodgers and Rick R. Gaskins, *Eastern Economics Journal*, 2010 36, pp. 370-390.

"Damage Awards Using Intermediate Term Government Bond Funds vs. U.S. Treasuries Ladder: Tradeoffs in Theory and Practice", Rosenberg, Joseph I. and Rick R. Gaskins, *Journal of Forensic Economics*, Vol. 23, No. 1, March 2012, pp. 1-31.

Publications  
in process:

"Assessing Economic Damages in Personal Injury and Wrongful Death Litigation: The State of Maryland", Gaskins, Rick R. and Joseph I. Rosenberg.

"The Application of Time Expectancy Data in Personal Damages Assessment", Gaskins, Rick R.

## **Appendix C**

Rick R. Gaskins, MBA, CPA  
Deposition and trial testimony listing  
1 January 2009 to 10 July 2013

Date	Dep/ Trial	Attorney	Parties		Court	Case #
05/30/09	T	Johnson, Esq., William C., Jr.	Glover v. AIG et al			
07/13/09	D	Heatherington, Esq., Robert B.	Wagner v. Moore		MDCirc PG Cnty	24-C-09-001453
10/15/09	D	Palmer, Esq., Mark D.	Blank v. Truffles at the Belvedere		MDCirc Baltimore	1-08-cv-3509
11/05/09	D	Decker, Esq., Suzanne W.	Findley v. Mack Trucks		USDist Maryland	CCB 06-1290
11/12/09	D	Fowler, Esq., Stephen T.	Nguyen v. Roth & Rau AG		USDist Maryland	
12/09/09	D	Smith, Esq., Douglas R.	Grossman v. Ain & Bank			
04/08/10	T	Espo, Esq., Joseph B.	Blank v. Truffles at the Belvedere		MDCirc Baltimore	24-C-09-001453
06/16/10	D	Proctor, Esq., Melissa	St. Holder v. Horton		USDist Maryland	8:09-cv-2953
11/23/10	D	Gunderson, Esq., Eric W.	Sheila Alford v. Providence Hosp		USDist DC	10-132 (EGS)
12/30/10	D	Burns, Esq., David M.	Scott v. Merck & Company, Inc.		USDist Baltimore	1:09-cv-03271-BEL
01/12/11	T	Freeman, Esq., Andrew D.	Scott v. Merck & Company, Inc.		USDist Baltimore	1:09-cv-03271-BEL
01/20/11	D	Williamson, Jr., Esq., Thomas S.	Parks v. Alphaarma, Inc.		USDist Baltimore	06-cv-2411 RDB
05/03/11	T	May, Esq., John T.	Antoine v. Shapiro & Burson, LLF		USDist DC	1:08-cv-00615
07/22/11	D	Sieler, Esq., Jean Ann	Holland v. Rostocki		CofCP, Lucas Cnty, OH	CI 09-4636
10/10/11	D	Parler, Esq., William C.	Erie Ins Co v. Lorton Contracting		MDCirc PG Cnty	CAL10-28643
10/14/11	D	Battocchi, Esq., Raymon D.	Nuechterlein v. Ain & Bank		USDist Alexandria	1:11-cv-454 GBL/TRJ
07/17/12	D	Santoni, Esq., Jane	Allen v. Paymap		USDist Maryland	1:11-cv-00033-CCB
09/20/12	T	Bonello, Esq., John A.	Idexcel Inc. v. Wm Kardias		Fairfax, VA, Circuit	2011-10159

Rick R. Gaskins, MBA, CPA  
 Deposition and trial testimony listing  
 1 January 2009 to 10 July 2013

Date	Dep/ Trial	Attorney	Parties	Court	Case #
09/26/12	D	Porwick, Esq., Katharine	Howard v Nexcom, Inc.	USDist Maryland	8-10-cv-00659-PJM
02/08/13	D	Shaw, Esq., Clinton	Durose et al. v. Petroleum Recov.	USDist Alexandria	1:12cv1137(LMB/TCE
02/11/13	D	Jacobovitz, Esq., Jeffrey	William Scherlis v. William Penn	DC Supr	2008-6144
04/02/13	D	Feeley, Esq., Cheryl A.	Daggett v. Landmark	MDCirc AA Cnty	02-C-12-169832
05/10/13	D	Allen, Esq., Geoffrey D.	Howard v Emmons-Brule	DC Supr	2011 CA 007592 M